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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: *[Signature]*

DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

January 2007 Grand Jury

07 CR 3238

WQH

11	UNITED STATES OF AMERICA,)	Criminal Case No. _____
12	Plaintiff,)	<u>I N D I C T M E N T</u>
13	v.)	Title 18, U.S.C.,
14	JUAN HERNAN LEMUS,)	Secs. 922(g)(1) and 924(a)(2) -
15	Defendant.)	Felon in Possession of a Firearm
16	_____)	and Ammunition(Felony); Title 18,
)	U.S.C., Sec. 924(d) - Criminal
)	Forfeiture

The grand jury charges:

On or about August 24, 2006, within the Southern District of California, defendant JUAN HERNAN LEMUS being a person who had previously been convicted in a court of a felony, to wit, in the Superior Court of California, County of Imperial, on or about August 11, 2002, in case number CF-8542, of accessory after the fact, in violation of California Penal Code Section 32, which crime is punishable by imprisonment for a term exceeding one year, did knowingly and unlawfully possess a firearm, in and affecting commerce, to wit, a loaded Sturm & Ruger pistol, Model P95DC, 9mm caliber,

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RKJ:nlv(1):San Diego
11/29/07

1 serial number 312-62717 with nine (9) rounds of ammunition; in
2 violation of Title 18, United States Code, Sections 922(g)(1)
3 and 924(a)(2).

4 FORFEITURE ALLEGATION

5 Upon conviction of the offense alleged in this indictment,
6 defendant JUAN HERNAN LEMUS shall forfeit to the United States,
7 pursuant to Title 18, United States Code, Section 924(d) and Title 28,
8 United States Code, Section 2461(c), all firearms and ammunition
9 involved in the commission of the offense including, but not limited
10 to the following: a loaded Sturm & Ruger pistol, Model P95DC, 9mm
11 caliber, serial number 312-62717 with nine (9) rounds of ammunition.

12 If any of the above-described forfeitable property, as a result
13 of any act or omission of the defendant:

14 (a) cannot be located upon the exercise of due diligence;

15 (b) has been transferred or sold to, or deposited with, a third
16 party;

17 (c) has been placed beyond the jurisdiction of the court;

18 (d) has been substantially diminished in value; or

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1 (e) has been commingled with other property which cannot be
2 divided without difficulty; it is the intent of the United States,
3 pursuant to Title 21, United States Code, Section 853(p) as
4 incorporated by Title 28, United States Code, Section 2461(c), to seek
5 forfeiture of any other property of said defendant up to the value of
6 the forfeitable property described above, including but not limited
7 to the following: a Sturm & Ruger pistol, Model P95DC, 9mm caliber,
8 serial number 312-62717 with nine (9) rounds of ammunition.
9 All pursuant to Title 18, United States Code, Section 924(d).

10 DATED: November 29, 2007.


11 A TRUE BILL:

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13 _____

14 Foreperson

15 KAREN P. HEWITT
16 United States Attorney

17 By:

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19 RANDY K. JONES
20 Assistant U.S. Attorney
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